

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HEATHER BARLOW, et al.,	:	
	:	
Plaintiffs,	:	21 Civ. 5684 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
CHRISTOPHER SKROUPA, et al.,	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 17, 2020, this case was filed in the Supreme Court of the State of New York, New York County. Dkt. No. 1.

WHEREAS, on March 10, 2021, Defendants filed a timely and procedurally proper Notice of Removal, asserting that removal was proper because the Second Amended Complaint included a newly pleaded cause of action arising under federal law-- namely, a violation of the Fair Labor Standards Act ("FLSA"). Case No. 21 Civ. 2094, Dkt. No. 1.

WHEREAS, on March 29, 2021, Plaintiffs filed the Third Amended Complaint, which does not include FLSA claims or any other claims involving a question of federal law. 21 Civ. 2094, Dkt. No. 23.

WHEREAS, on March 30, 2021, the Court declined to exercise supplemental jurisdiction over the remaining state law claims and remanded this action to state court. 21 Civ. 2094, Dkt. No. 26.

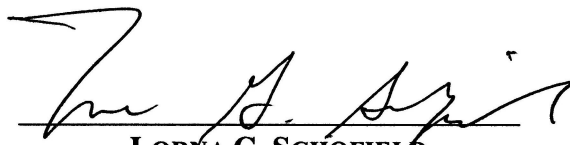
WHEREAS, on June 30, 2021, Defendants opened this case and filed a notice of removal contending removal is proper on the grounds that the Third Amended Complaint was not incorporated into the state court record and Plaintiffs have reasserted their FLSA claims by moving for default judgment based on Defendants' failure to answer the Second Amended Complaint. Dkt. No. 1.

WHEREAS, on July 1, 2021, Plaintiffs filed a letter stating that the “motion for default [in state court] is simply based on the fact that Defendants did not file answer to any pleadings whatsoever, i.e. not an answer to the Second Amended Complaint, not an answer to the Third Amended Complaint, not an answer following remand.” Plaintiffs’ letter requests that the Court expedite consideration of remand. Dkt. No. 6.

WHEREAS, on July 2, 2021, Defendants filed a responsive letter (Dkt. No. 7) and on July 6, 2021, Plaintiffs filed a reply (Dkt. No. 8). It is hereby

**ORDERED** that a pre-motion conference in anticipation of Plaintiffs’ motion to remand will be held on **July 15, 2021, at 10:40 a.m.** The conference will be telephonic and will occur on the following conference line: 888-363-4749, access code: 5583333. The time of the conference is approximate, but the parties shall be prepared to begin at the scheduled time.

Dated: July 8, 2021  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**